

## **EXHIBIT 5**

**Borge, Hans M**

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**From:** Fry, Rene M CIV COMSC [rene.fry@navy.mil]  
**Sent:** 21. mai 2007 18:48  
**To:** WPM OSLO  
**Cc:** Zarate-Byers, Cristina CIV MSCHQ,; kelli.thorpe@dla.mil  
**Subject:** OUTSTANDING PAYMENTS  
**Importance:** High

Mr. Borge,  
I am Military Sealift Command's Fuel Manager and Agency Program Coordinator. I am trying to find out some details about the payments that are outstanding so that I can ensure these matters are cleared up as soon as possible. If you have the names of the ship, the dates and type of fuel they lifted, I should be able to help resolve this problem.

I will be out of the office on Tuesday but will be back the remain of the week. I look forward to your information.

Regards,  
Rene Fry  
(202) 685-5736

20.09.2007

## **EXHIBIT 6**

**Borge, Hans M**

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**From:** Fry, Rene M CIV COMSC [rene.fry@navy.mil]  
**Sent:** 23. mai 2007 14:09  
**To:** Borge, Hans M  
**Subject:** RE: OUTSTANDING PAYMENTS

Mr. Borge,  
This is correct. I was contacting you first hand because I was curious as to what MSC ships had outstanding debts in Norway. I have found out that these communications have nothing to do with Norway but are claims against the US for fuel charges in Sasebo Japan. The claim is specifically against the Defense Energy Support Centers (DESC) contract. I am not the contracting officer for this claim but she has been in contact with me on this matter.

Sorry for the misguided email.  
Regards,  
Rene Fry  
Military Sealift Command Fuel Manager  
(202) 685-5736

-----Original Message-----

**From:** Borge, Hans M [mailto:Hans.M.Borge@wilhelmsen.com]  
**Sent:** Tuesday, May 22, 2007 3:34  
**To:** Fry, Rene M CIV COMSC  
**Subject:** RE: OUTSTANDING PAYMENTS

Thanks - will compile the list and pass it on to you.

For my guidance - are you coming because of my contact with Cdr. Edwards with the US embassy in Norway

Hans M Borge  
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AOH +47 901 50 554  
e-mail wp.oslo@wilhelmsen.com  
Messenger(yahoo etc): hans.m.borge@wilhelmsen.com WEB-page  
www.wilbunkers.com

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**Sent:** 21. mai 2007 18:48  
**To:** WPM OSLO  
**Cc:** Zarate-Byers, Cristina CIV MSCHQ,; kelli.thorpe@dla.mil  
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Regards,  
Rene Fry  
(202) 685-5736

## **EXHIBIT 7**

**Borge, Hans M**

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**From:** Bjornebye, Knut  
**Sent:** 1. september 2007 14:39  
**To:** Borge, Hans M  
**Subject:** FW: Japan Bunkers

Hans, Jeg endelig noe tilbake fra Frey. Det gjør situasjonen litt klarere. La oss diskutere på mandag

Knut

-----Original Message-----

**From:** Fry, Rene M CIV COMSC [mailto:rene.fry@navy.mil]  
**Sent:** Fri 8/31/2007 5:10 PM  
**To:** Bjornebye, Knut  
**Subject:** RE: Japan Bunkers

Mr. Bjornebye,

It is unfortunate that the suppliers and agents if USS-UBS have not been paid for fuel or services that have been rendered to MSC and Uniform Navy ships being services by this Contractor. I will assure you that I have personally seen evident that USS-UBS has been paid for fuel and services rendered to MSC ships in Sasebo, and Yokohama and the price that was paid is the daily contract price that has been authorized on the Contract. That said, USS-UBS has a claim into Defense Fuels, Bunker Contract Division for \$3.55 million (us). This claim is not for fuel delivered to the ship or services to the ships but for storage of fuel in Sasebo and losses incurred by the Contractor for this fuel when it was sold. MSC has no interest in this claim. No MSC agent or employee directed the contractor to incur costs detailed in the claim and at this point, MSC has not been presented with any documents or evidence that indicates it is a party to the claim submitted to DESC by USS-UBS.

Lastly, I will tell you that the invoiced price for fuel by USS-UBS was an average of \$243.50 per metric ton higher than any spot market price for fuel in the area and the invoice price was not IAW with the daily metric ton price allowed by the DESC Contract. Additionally, USS-UBS has submitted claims for services such as overtime at \$300 per hour for periods of 24, 48, and 72 hours for time that the Contractor or Sub-Contractor was filling the barge at the distribution point/refinery/whole seller. I am not familiar with Sasebo so I really don't know where the fuel comes from when the subcontractor is filling his barge. Bottom-line is that I, as MSC Fuel Manager, would never allow or pay for the filling of a barge. I will on the other hand allow for overtime along side, and weekend/holiday costs along side, and of course demurrage when it is the fault of ordering too much fuel and not taking it onboard. I actually have a claim for "backhaul" on a pipeline delivery for \$630.00 a metric ton. Obviously, I am not a fool but these are just a few examples of the USS-UBS claims that have been submitted to Defense Fuels and forwarded to me.

One last item, less the claims that I have cited above, all invoices for fuel to MSC's ships since 1 October 2006 thru 23 July 2007 have been paid to USS-UBS. I am not a Contracting Officer and this contract is not managed by MSC. We have done all we can to document, and execute our requirements to ensure prompt payment. The remainder of this mess is strictly up to the Defense Fuels Contracting Officer.

I answer this email as a courtesy to you and hope that you use the information in a manner in which it is provided. It is obvious to me that Bill Rae is betting on the \$3.55 claim. From my 38 years of experience, that horse has a difficult course to ride before it comes home.

Regards,  
Rene Fry  
MSC Chemical and Fuel Program Manager  
(202) 685-5736

-----Original Message-----

**From:** Bjornebye, Knut [mailto:Knut.Bjornebye@wilhelmsen.com]

Sent: Friday, August 31, 2007 10:17  
 To: Fry, Rene M CIV COMSC  
 Subject: FW: Japan Bunkers

Dear Mr. Frey

We have sent the below msgs to Mrs. Woods without any response. This unfortunate matter keeps rolling and we now hear that a second reputable supplier in Japan has not been paid by USS-UBS and consequently refuse to bunker the Navy vsls. We are now experiencing a situation where no Japanese supplier will supply the US Navy. And you know how the snow ball rolls when this hits the press. As said if the US Navy has not paid these bunker invoices we would like to know why - if they have paid it to their agent and he has spent the funds on something else then the US Navy has a fraudulent agent - a situation that I believe is not a very comfortable one.

I sincerely hope to hear from you in this matter

Yours Sincerely,  
 Knut Bjornebye

>  
 > From: Bjornebye, Knut  
 > Sent: 27. august 2007 11:21  
 > To: 'debora.wood@dla.mil'  
 > Subject: FW: Japan Bunkers  
 >  
 > Dear Mrs. Woods  
 > I cannot see that I have recvd a reply to my mail of August 16.  
 > As we see it, your good vsls have recvd bunkers from us and therefore  
 > the Navy should be obliged to pay for that. If you have any problems in doing that  
 > we would like to hear.- If you have paid your agent, as we have reason to believe,  
 > there must be an obligation from your side to see to that your agent should pay us for  
 > the bunkers you have received and consumed. In such case you should put pressure on  
 > your agents to honour their obligations towards us and the supplier.  
 > I have never experienced anything similar in my long shipping  
 > experience and trust that same will be brought to a satisfactory  
 > solution soon  
 >  
 > Kind regards  
 > Knut Bjornebye.

>  
 > From: Bjornebye, Knut  
 > Sent: 16. august 2007 17:26  
 > To: 'debora.wood@dla.mil'  
 > Subject: Japan Bunkers  
 >  
 > Dear Mrs. Woods.  
 >  
 > We were delighted to hear that all outstanding invoices with your contractor, USS-UBS, have been settled which obviously should have brought this unfortunate situation to an end.  
 > However, we regret to advise that your contractor, USS-UBS still refuses to pay.  
 >  
 > As you have obviously received and used the bunker we have put onboard your fine vsls we ask you kindly to put pressure on your contractor, Messrs. USS-UBS, to settle this long outstanding matter without further delays.  
 >  
 > With kind regards.  
 >  
 > Knut Bjornebye  
 > President  
 > Wilhelmsen Premier Marine Fuels  
 > Dir. Line: +47 6758 4296  
 > Fax: +47 6758 4298  
 > Mob: +47 9229 9436  
 > Web: www.wilhelmsenpremier.com  
 > Yahoo: knutbjo@yahoo.com  
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